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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,257	02/18/2004	Neil G. Cousins	COU09 P-303	3149
277	7590	11/29/2005	EXAMINER	
PRICE HENEVELD COOPER DEWITT & LITTON, LLP			HARMON, CHRISTOPHER R	
695 KENMOOR, S.E.			ART UNIT	
P O BOX 2567			PAPER NUMBER	
GRAND RAPIDS, MI 49501			3721	

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/781,257

Applicant(s)

COUSINS ET AL.

Examiner

Christopher R. Harmon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 27-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 27-35 is/are allowed.
- 6) ☒ Claim(s) 36-38, 40 and 41 is/are rejected.
- 7) ☐ Claim(s) 39 and 42 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submissions filed on 9/22/05 has been entered.

### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the single motor having a rotatable output member must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering

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of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 36 is rejected under 35 U.S.C. 102(b) as being anticipated by Donnelly et al. (US 5,491,956).

Donnelly discloses a film stretching and dispensing apparatus comprising a support structure 15; film support 43 for supporting roll of film 41; first and second stretch rollers (42c and 42d) and film guide member 46 each defining an axis and together a curvilinear path; see figure 3. Donnelly also discloses guide assembly connected to the opposite side of support structure 15 supporting elongated flexible member/chain 55 (a portion around the gearing is substantially similar to curvilinear path); single motor 48a with a rotating output member (shaft of motor 48a); drive assembly coupling rotating output member 48 with first 42c and second 42d rollers including chain 53; drive member (part of clutch 42 engaging and moving with elongated

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flexible member/chain 55; disengagable coupling/clutch 42 with a drive member selectively connect and disconnect the drive member from the rotatable output member (shaft of motor 48a) allowing for "freewheeling"; see column 10, lines 48-56. Thus the rotating output member of the motor 48a rotates in both engaging and disengaging positions; see figure 5.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 37-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donnelly et al. (US 5,491,956) in view of Smith (US 2,952,371).

Regarding claims 37-38, Donnelly et al. disclose two separate elongated flexible members 53 and 55 that operate around rotatable sprockets each on first, second, and third separate axes respectively but not three separate rotatable members/sprockets engaging a single elongated member/chain. Smith however discloses a clutch gearing system in a chain transport device including elongated member/chain 152 engaging sprockets 120, 154, and 138; see figure 1. It would have been obvious to one of ordinary skill in the art to incorporate the teachings of Smith in the invention to Donnelly et al. in order to reduce the number of working parts for assembly and maintenance.

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7. Claims 40 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donnelly et al. (US 5,491,956) in view of Lancaster et al. (US 4,712,686).

Donnelly et al. disclose a first and second stretch rollers with gears mounted thereon connected by second elongated belt 53; the gears do not meshingly engage one another, however in a similar invention to Lancaster et al. in a pre-stretching device with a clutch mechanism operated with a single motor 40; the stretch rollers 34 and 36 are connected by a drive assembly comprising rotatable gears 238, 138, and 38. Meshingly engaged gears 138, and 38 are mounted on shafts of rollers 36 and 34, respectively; see figure 10. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the engaging gears of the drive assembly of Lancaster et al. in the invention to Donnelly et al. in order to effect rotation (at a different speed) of the second stretch roller.

#### ***Allowable Subject Matter***

8. Claims 27-35 are allowed.

The prior art fails to disclose a combination film stretcher and dispenser with all of the elements of claim 27 including a multiple guide structure with a disengagable drive and film threading device.

9. Claims 39 and 42 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

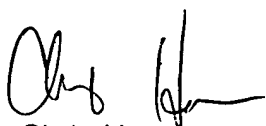
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10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R. Harmon whose telephone number is (571) 272-4461. The examiner can normally be reached on Monday-Friday from 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on (571) 272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Chris Harmon  
Patent Examiner